

TECHNICAL CORRECTIONS IN THE RULES OF THE HOUSE
OF REPRESENTATIVES

NOVEMBER 14, 1995.—Referred to the House Calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules, submitted the
following

R E P O R T

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany H. Res. 254]

The Committee on Rules, to whom was referred the resolution (H. Res. 254) making technical corrections in the Rules of the House of Representatives, having considered the same, report favorably thereon with amendments and recommend that the resolution as amended be adopted.

The amendments (stated in terms of the page and line numbers of the introduced resolution) are as follows:

Page 1, line 3, insert the following (and redesignate subsequent paragraphs accordingly):

(1) In clause 3 of rule III, insert “as may be requested by such State officials” after “the legislature of every State”.

Page 4, after line 16, add the following:

SEC. 2. EFFECTIVE DATE.

The amendments made by the first section of this resolution shall be effective on the date of the adoption of this resolution except that paragraphs (20) and (21) of that section shall be effective on January 1, 1996.

PURPOSE OF THE RESOLUTION

The purpose of this resolution is to make technical and conforming corrections to the Rules of the House of Representatives to re-

flect the intent of amendments to the Rules of the House adopted during the 104th Congress.

SUMMARY OF THE RESOLUTION

H. Res. 254 makes technical and conforming changes to the Rules of the House of Representatives in the following areas:

- Office of the Inspector General;
- Committee on National Security;
- Committee on Small Business;
- Special oversight functions of the Committee on Resources;
- Special oversight functions of the Committee on Commerce;
- 3-day layover for filing of supplemental, minority, or additional views, committee reports, appropriations hearings and reports, conference reports, and Senate amendments to measures reported in disagreement;
- Committee broadcast rules;
- Committee staffs;
- Correction Calendar;
- Privilege for measures reported by the Committee on Ways and Means;
- Unfunded mandate reform; and
- Gift Rule.

COMMITTEE CONSIDERATION

H. Res. 254 was introduced in the House of Representatives on November 7, 1995. On Tuesday, November 14, 1995, the Committee met to markup H. Res. 254. The Committee favorably reported H. Res. 254 by a nonrecord vote. During the markup, 2 amendments to H. Res. 254 were agreed to.

BACKGROUND AND NEED FOR THE RESOLUTION

On January 4, 1995, the House of Representatives approved H. Res. 6, adopting the Rules of the House for the 104th Congress. That resolution implemented sweeping changes to the rules under which the House previously operated. During the first session of the 104th Congress, the House approved additional changes to House rules. These include creating new points of order, established by the Unfunded Mandates Reform Act, to ensure that members can have a vote on unfunded Federal mandates contained in future legislation; abolishing the "Consent Calendar" and establishing in its place a "Corrections Calendar"; and establishing new rules limiting the acceptance of gifts by Members, officers and employees of the House.

As a result of these changes, a number of duplicative provisions and grammatical and typographical errors need to be corrected to ensure that the Rules of the House reflect their true intent. In addition, the resolution clarifies a number of long-standing parliamentary interpretations to ensure consistency of parliamentary practice in the House.

ANALYSIS OF RESOLUTION

H. Res. 254 (as amended) consists of 21 amendments to the Rules of the House of Representatives.

Paragraph (1) amends rule III, clause 3 by inserting “as may be requested by such State officials” after “the legislature of every State.” The Clerk of the House would only be required to send printed copies of the Journal to State executives and legislatures at the end of each session if it is requested by such State officials.

Paragraph (2) amends rule IX, clause 3(d) (relating to periodic audits by the Inspector General) by inserting “the minority leader,” after “the majority leader.” The Inspector General is appointed jointly by the Speaker, majority leader and minority leader and this amendment reflects the intent that audit reports be submitted to all three as well.

Paragraph (3) amends rule X, clause 1(k) (relating to the jurisdiction of the National Security Committee) in paragraph (8) by striking the word “the” before “Defense” to read “the Department of Defense.”

Paragraph (4) amends rule X, clause 1(o) relating to the jurisdiction of the Small Business Committee) in paragraph (2) to bring the word “and” inside the parentheses to read “(and its general oversight function under clause 2(b)(1) * * *”.

Paragraph (5) amends rule X, clause 3 (relating to “Special Oversight Functions”) in paragraph (e) (relating to the Committee on Resources) by striking “and nonmilitary nuclear energy and research and development including the disposal of nuclear waste”, to reflect the transfer of both the legislative and special oversight responsibilities over these matters from the Resources Committee to the Commerce Committee with adoption of H. Res. 6 in the 104th Congress.

Paragraph (6) amends rule X, clause 3, in paragraph (h) by inserting under the Commerce Committee’s special oversight functions the nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

Paragraph (7) amends rule XI, clause 2(l) in paragraph (5) to read, with respect to calendar days, “(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)”. This conforms with past parliamentary interpretations that Saturdays, Sundays, and legal holidays are considered calendar days when the House of Representatives is in session on such days, for purposes of filing supplemental, minority, or additional views.

Paragraph (8) amends rule XI, clause 2(l) in paragraph (6) to read, with respect to calendar days “the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day)”. This conforms with past parliamentary interpretations that Saturdays, Sundays, and legal holidays may be considered calendar days when the House of Representatives is in session on such days for purposes of matters or measures reported by committees (other than the Rule Committee in certain circumstances).

Paragraph (9) amends rule XI, clause 3 (“Broadcasting of Committee Hearings”) so that the heading will read: “Broadcasting of

Committee Hearings and Meetings". This is done to reflect the fact that the broadcast rule has also applied to meetings as well as hearings, dating back to a rule change made on July 22, 1974, to permit broadcast coverage of the Judiciary Committee's impeachment deliberations.

Paragraph (10) amends rule XI, clause 3 ("Broadcasting of Committee Hearings") in paragraph (f) to reflect the deletion of a former provision in paragraph (e) regarding the adoption of committee rules governing the broadcasting of committee meetings and hearings. Since committees are now required under House Rules to permit broadcast coverage of any hearing or meeting which is open to the public, the broadcast rule provision is now required under paragraph (f) in place of the erroneous reference to the provision in paragraph (e).

Paragraph (11) amends rule XI, clause 6 ("Committee Staffs") in subparagraph (b)(2) by striking "This paragraph" and replacing it with "Subparagraph (1)" to clarify that "associate" and "shared" staff referred to in subparagraph (2) who are not paid exclusively by a committee, are not subject to the requirement in subparagraph (1) that "professional staff" only perform committee work.

Paragraph (12) amends rule XIII, clause 4 (relating to the Corrections Calendar), in paragraph (a) by moving the period inside the quotation marks to read "Corrections Calendar."

Paragraph (13) amends rule XIII, clause 4, (relating to the Corrections Calendar), in paragraph (b) to insert "shall be" before "debatable"; insert "and" before "shall not be subject to amendment"; and strike "committee, and the previous question" and insert "committee or a designee. The previous question". This forms a new sentence regarding the ordering of the previous question to correct a run-on sentence and, with respect to amendments offered by the chairman of the primary committee, permit such amendments to be offered by a Member so designated by the chairman.

Paragraph (14) amends rule XIII, clause 4 (relating to the Corrections Calendar) in paragraph (c) to capitalize the word "Members".

Paragraph (15) amends rule XVI ("On Motions, Their Precedence, Etc.") in clause 9 by deleting the provision permitting a privileged motion to resolve into the Committee of the Whole House on the State of the Union to consider "bills raising revenue". The authority of the Ways and Means Committee to report revenue bills as privileged was deleted from rule XI, clause 4(a) effective January 3, 1975, thereby taking with it the ability to offer a privileged motion to resolve into the Committee of the Whole to consider such bills.

Paragraph (16) amends rule XXI, clause 7 to read, with respect to calendar days, "excluding Saturday, Sundays, or legal holidays except when the House is in session on such a day)". This conforms with past parliamentary interpretations that Saturdays, Sundays, and legal holidays may be considered calendar days when the House of Representatives is in session on such days, for purposes of consideration of general appropriations bills.

Paragraph (17) amends rule XXIII ("Of committees of the Whole House") in clause 5(c) to correct a reference to read "section

424(a)(1) of the Congressional Budget Act of 1974" instead of "section 424(a)(1) of the Unfunded Mandate Reform Act of 1995".

Paragraph (18) amends rule XXVIII, clause 2(a) to read, with respect to calendar days, "(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)". This conforms with past parliamentary interpretations that Saturdays, Sundays, and legal holidays may be considered a calendar day when the House of Representatives is in session on such a day, for purposes of consideration of conference reports.

Paragraph (19) amends rule XXVIII, clause 2(b) in paragraph (1) to read, with respect to calendar days, "(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)". This conforms with past parliamentary interpretations that Saturdays, Sundays, and legal holidays may be considered calendar days when the House of Representatives is in session on such days, for purposes of consideration of Senate amendments to measures reported in disagreement.

Paragraph (20) amends rule XLIII, clause 4 to read as follows: "4. A Member, officer, or employee of the House of Representatives shall not accept gifts except as provided by the provision of rule LII ("Gift Rule").". The House adopted gift rule changes that are now reflected in rule LII. This amendment is needed to reflect that change and to cross reference the gift rule so that it remains part of the "Code of Official Conduct".

Paragraph (21) repeals the last undesignated paragraph of rule XLIII (definition of "relative" for purposes of clause 4). Clause 4 is made obsolete by the new gift rule (rule LII). A more expansive definition of the term "relative" is also contained in Section 109 of the Ethics in Government Act of 1978 (clause 2 of rule XLIV ["Financial Disclosure"]).

Section 2 establishes as the effective date the date of the adoption of the resolution, except that paragraphs (20) and (21) shall be effective on January 1, 1996.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

COMMITTEE VOTE

Clause 2(l)(2)(B) of rule XI requires each committee report to accompany any bill or resolution of a public character, ordered to be reported, to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. On November 14, 1995, the Committee ordered H. Res. 254, as amended, reported to the House, by a nonrecord vote, a quorum being present.

COMMITTEE COST ESTIMATE

Clause 2(l)(3)(B) of rule XI requires each committee report that accompanies a measure providing new budget authority, new spending authority, or new credit authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974, as amended and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding level for the

relevant program (or programs) to the appropriate levels under current law. Clause 7(a) of rule XIII requires committees to include their own cost estimates in certain committee reports, which include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.

No cost estimate is required under this section because the resolution does not provide new budget authority, new spending authority, or new credit authority, nor does the resolution provide an increase or decrease in tax expenditures.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(l)(3)(C) of rule XI requires each Committee to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted. No cost estimate was received from the Director of the Congressional Budget Office.

INFLATION IMPACT STATEMENT

Clause 2(l)(4) of rule XI requires each committee report on a bill or joint resolution of a public character to include an analytical statement describing what impact enactment of the measure would have on prices and costs in the operation of the national economy. The Committee has determined that the resolution has no inflationary impact on the nation's economy.

OVERSIGHT FINDINGS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no oversight findings.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Rules has received no such findings or recommendations from the Committee on Government Reform and Oversight.

COMPARATIVE PRINT

Clause 4(d) of rule XI requires that, whenever the Committee on Rules reports a resolution amending or repealing the Rules of the House of Representatives, the accompanying report must contain a comparative print showing the changes in existing rules proposes to be made by the resolution.

Changes in existing Rules of the House of Representatives made by the resolution, as reported, are shown as follows (existing rules proposed to be omitted is enclosed in black brackets, new matter

is printed in italic, existing rules in which no change is proposed is shown in roman):

RULES OF THE HOUSE OF REPRESENTATIVES

RULE I

* * * * *

RULE III

DUTIES OF THE CLERK

* * * * *

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members, Delegates, and the Resident Commissioner from Puerto Rico of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the Members, Delegates, the Resident Commissioner from Puerto Rico and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the legislature of every State *as may be requested by such State officials*; deliver or mail to any Member, Delegate, or the Resident Commissioner from Puerto Rico an extra copy, in binding of good quality, of each document requested by that Member, Delegate, or the Resident Commissioner which has been printed, by order of either House of the Congress, in any Congress in which he served; attest and affix the seal of the House to all writs, warrants, and subpoenas issued by order of the House; and certify to the passage of all bills and joint resolutions.

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RULE VI

OFFICE OF INSPECTOR GENERAL

1. There is established an Office of Inspector General.

* * * * *

3. Subject to the policy direction and oversight of the Committee on House Oversight, the Inspector General shall be responsible only for—

(a) * * *

* * * * *

(d) simultaneously submitting to the Speaker, the majority leader, *the minority leader*, and the chairman and ranking minority party member of the Committee on House Oversight a report of each audit conducted under this rule; and

* * * * *

RULE X

ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

The Committees and Their Jurisdiction

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

(a) * * *

* * * * *

(k) Committee on National Security.

(1) * * *

* * * * *

(8) Tactical intelligence and intelligence related activities of the Department of [the] Defense.

* * * * *

(o) Committee on Small Business.

(1) Assistance to and protection of small business, including financial aid, regulatory flexibility and paperwork reduction.

(2) Participation of small-business enterprises in Federal procurement and Government contracts.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph [and (its)] *(and its general oversight function under clause 2(b)(1))*, the committee shall have the special oversight function provided for in clause 3(g) with respect to the problems of small business.

* * * * *

Special Oversight Functions

3. (a) * * *

* * * * *

(e) The Committee on Resources shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with Indians [and nonmilitary nuclear energy and research and development including the disposal of nuclear waste].

* * * * *

(h) The Committee on Commerce shall have the function of reviewing and studying on a continuing basis, all laws, programs and government activities relating to nuclear and other [energy] *energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste.*

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RULE XI

RULES OF PROCEDURE FOR COMMITTEES

Committee Rules***Adoption of written rules***

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2. (a) * * *

* * * * *

Committee procedures for reporting bills and resolutions

(1)(1) * * *

* * * * *

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days [(excluding Saturdays, Sundays, and legal holidays)] *(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)* in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) * * *

* * * * *

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until [the third calendar day, excluding Saturdays, Sundays, and legal holidays] *the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)* on which the report of that committee upon that measure or matter has been available to the Members of the House, or as provided by section 305(a)(1) of the Congressional Budget Act of 1974 in the case of a concurrent resolution on the budget: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b) of rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) * * *

* * * * *

Broadcasting of Committee Hearings and Meetings

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) * * *

* * * * *

[(f) The written rules which may be adopted by a committee under paragraph (e) of this clause shall contain provisions to the following effect:] (f) *Each committee of the House shall adopt written rules to govern its implementation of this clause. Such rules shall include provisions to the following effect:*

(1) * * *

* * * * *

Committee Staffs

6. (a) * * *

(b)(1) * * *

(2) [This paragraph] *Subparagraph (1) does not apply to any staff designated by a committee as “associate” or “shared” staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such employee is commensurate with the work performed for the committee, in accordance with the provisions of clause 8 of rule XLIII.*

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RULE XIII

CALENDARS AND REPORTS OF COMMITTEES

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4. (a) After a bill has been favorably reported and placed on either the Union or House Calendar, the Speaker may, after consultation with the Minority Leader, file with the Clerk a notice requesting that such bill also be placed upon a special calendar to be known as the “Corrections Calendar[.]” On the second and fourth Tuesdays of each month, after the Pledge of Allegiance, the Speaker may direct the Clerk to call the bills in numerical order which have been on the Corrections Calendar for three legislative days.

(b) A bill so called shall be considered in the House, *shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the primary committee of jurisdiction reporting the bill, and shall not be subject to amendment except those amendments recommended by the primary committee of jurisdiction or those offered by the chairman of the primary [committee, and the previous question] committee or a designee. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.*

(c) A three-fifths vote of the **members** *Members* voting shall be required to pass any bill called from the Corrections Calendar but the rejection of any such bill, or the sustaining of any point of order against it or its consideration, shall not cause it to be removed from the Calendar to which it was originally referred.

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RULE XVI

ON MOTIONS, THEIR PRECEDENCE, ETC.

* * * * *

9. At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering **bills raising revenue, or** general appropriation bills.

* * * * *

RULE XXI

ON BILLS

* * * * *

7. No general appropriation bill shall be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days **[(excluding Saturdays, Sundays, and legal holidays)]** *(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).*

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RULE XXIII

OF COMMITTEES OF THE WHOLE HOUSE

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5. (a) * * *

* * * * *

(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in **[section 424(a)(1) of the Unfunded Mandate Reform Act of 1995]** *section 424(a)(1) of the Congressional Budget Act of 1974*, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.

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RULE XXVIII

CONFERENCE REPORTS

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2. (a) It shall not be in order to consider the report of a committee of conference until the third calendar day **[(excluding any Sat-**

urday, Sunday, or legal holiday)】 *(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)* after such report and the accompanying statement shall have been filed in the House, and such consideration then shall be in order only if such report and accompanying statement shall have been printed in the daily edition of the Congressional Record for the day on which such report and statement shall have been filed; but the preceding provisions of this sentence do not apply during the last six days of the session. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement have been available to Members for at least two hours before the beginning of such consideration: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b) of rule XI, a report from the Committee on Rules only making in order the consideration of a conference report notwithstanding this restriction. The time allotted for debate in the consideration of any such report shall be equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time shall be allotted to a Member who is opposed to said conference report.

(b)(1) It shall not be in order to consider any amendment (including an amendment in the nature of a substitute) proposed by the Senate to any measure reported in disagreement between the two Houses by a report of a committee of conference that the committee has been unable to agree, until the third calendar day [(excluding any Saturday, Sunday, or legal holiday)] *(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)* after such report and accompanying statement shall have been filed in the House, and such consideration then shall be in order only if such report and accompanying statement shall have been printed in the daily edition of the Congressional Record for the day on which such report and statement shall have been filed; but the preceding provisions of this sentence do not apply during the last six days of the session. Nor shall it be in order to consider any such amendment unless copies of the report and accompanying statement, together with the text of such amendment, have been available to Members for at least two hours before the beginning of such consideration: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b) of rule XI, a report from the Committee on Rules only making in order the consideration of such an amendment notwithstanding this restriction. The time allotted for debate on any such amendment shall be equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the original motion offered by the floor manager for the majority to dispose of the amendment, one third of such debate time shall be allotted to a Member who is opposed to said motion.

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RULE XLIII

CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House of Representatives the following code of conduct, to be known as the “Code of Official Conduct”:

* * * * *

【4. A Member, officer, or employee of the House of Representatives shall not accept gifts (other than the personal hospitality of an individual or with a fair market value of \$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978) in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, directly or indirectly from any person (other than from a relative), except to the extent permitted by written waiver granted in exceptional circumstances by the Committee on Standards of Official Conduct pursuant to clause 4(e)(1)(E) of rule X.】

4. A Member, officer, or employee of the House of Representatives shall not accept gifts excepted as provided by the provisions of rule LII (Gift Rule).

* * * * *

【For the purposes of clause 4 of this Code of Official Conduct, the term “relative” means, with respect to any Member, officer, or employee of the House of Representatives, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of such Member, officer, or employee, and shall be deemed to include the fiance or fiancée of the Member, officer, or employee.】

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VIEWS OF COMMITTEE MEMBERS

Clause 2(l)(5) of rule XI requires each committee to afford a three day opportunity for members of the committee to file additional, minority, or dissenting views and to include the views in its report. Although neither requirement applies to the Committee, the Committee always makes the maximum effort to provide its members with such an opportunity. The following views were submitted:

ADDITIONAL VIEWS

The United States is on the brink of default and Republicans are fiddling with House rules.

The executive branch is now constrained to take extraordinary actions to avert financial collapse and the Republican leadership is correcting grammar and punctuation in the rules of the House.

At Veterans' hospitals across the country, support personnel are furloughed. GI bill education benefits, sent weekly, will be delayed. No HHS personnel are allowed to process applications for Social Security benefits. Payments to "nonessential" contractors will be delayed. Workplace safety inspections are postponed. There is no funding for child nutrition, foster care, or trade adjustment assistance. There is no funding to run unemployment compensation offices. These and other important services will be curtailed in the absence of a continuing resolution. But will Congress shut down? Not while there are typographical errors in the House rules to correct.

The Treasury Secretary has had to advise State and local officials they cannot issue new tax-exempt bonds to finance, say, school buildings or prisons, because there is no room to park the funds they raise in Treasury bills, the only legally acceptable instrument in which to place such funds. And the Secretary of the Treasury will be constrained to take even more drastic actions to avert default UNLESS, in the next few days, the House passes a new debt limit extension or enacts H.R. 2586 over the President's objections (despite the fact that House Republicans voted 223-183, to postpone consideration of the President's veto until December 12th).

There is nothing else the President can do to avoid disaster. The ball is clearly in the House Republicans' court. Do they offer a rule providing for consideration of a solution to this debt crisis? No, instead they propose to repeal harmless duplicative and obsolete provisions in House rules.

JOE MOAKLEY.

MINORITY VIEWS

With the exception of a few items, the provisions of House Resolution 254 are purely clerical and technical in nature. The main exceptions are amendment (6) and amendment (12).

Amendment (12) includes a provision to expand the majority's ability to offer amendments to Corrections Calendar measures. Under the new rule added this year, only the chairman of the primary committee of jurisdiction is permitted to offer amendments; this change will add flexibility and enable the appropriate Chairman to designate another Member to offer an amendment. This is intended to solve a problem encountered earlier this year when the appropriate Chairman had scheduling conflicts that made it difficult for him to act as floor manager on Corrections Day. It is not a purely technical change though it is not a change to which we object.

Amendment (7) deals with the phrase "calendar day (excluding Saturdays, Sundays, or legal holidays)" so that only those weekends and holidays when the House is not in session are excluded. Amendment (7) conforms with past parliamentary interpretation. Deschler and Brown's "Procedure in the House of Representatives: A Summary of the Modern Precedents and Practices of the House, 86th Congress-97th Congress" section 17 44.14 reads:

Note: The provisions of Rule XI clause 2() (6) * * * In counting the three days, Saturdays, Sundays, and legal holidays are excluded unless the House is in session.

There is no similar precedent regarding the other items in this resolution on the matter of treating calendar days, amendments (6), (15), (16), (17), and (18). Amendment (6) especially raises some suspicion. While the language of the rule providing three calendar days for filing supplemental views on a committee report (excluding Rules Committee reports) is very similar, it is not exactly the same as the previous language. Moreover, the House has generally treated the days for filing views expansively, beginning the day after the measure is ordered reported and lasting until midnight of the third calendar day. The plain language of the current rule is that all Saturdays, Sundays and legal holidays are excluded; there is nothing in the rule or in the precedents on this clause that distinguishes among weekend days to treat legislative days differently from nonlegislative days. This change in language is necessary in order to count weekends and holidays that the House is in session. We trust the majority will not schedule pro forma weekend sessions for the sole purpose of shrinking the time for the minority to file their views. The cost of keeping the House in session for this purpose—and the threat of numerous one-minutes and special orders in howling protest—should restrain any desire on the part of the majority to stifle dissenting views.

We question whether correcting and changing the Rules of the House should take precedence over the absence of appropriations bills and the debt crisis. We also question whether the majority has chosen the most important corrections that need to be made. We note that most of the proposed changes in House Resolution 254 are designed to correct rules only adopted in the 104th Congress; e.g., changes in the rules adopted on opening day regarding committee jurisdictions, committee staffs, audits and changes in the rules adopted more recently regarding unfunded mandates and corrections day.

On opening day, Speaker Gingrich and the House Republicans proudly adopted several additions to the rules of the House. There are a number of important rules adopted on opening day that are waived every time they apply or just flagrantly violated. Three instances spring to mind immediately:

3/5THS VOTE REQUIREMENT FOR MEASURES CONTAINING TAX RATE INCREASES

On opening day, House Republicans touted the new clause 5(c) of Rule XXI as inhibiting legislative consideration of any new tax increase. (January 4, 1995, Congressional Record H63–H71) But when the new rule is inconvenient, requiring a supermajority to adopt Republican tax increases on middle-class working families, the rule is either not applied (April 5, 1995, Congressional Record H4315–H4317) or it is explicitly waived, as in the rules providing for consideration of H.R. 2425 (Medicare) and H.R. 2491 (Reconciliation). For extended remarks on these matters, see October 26, 1995, Congressional Record H10868 and November 9, 1995, Congressional Record H11994–H11996. Something ought to be done about a rule so consistently waived.

LIMIT ON SUBCOMMITTEE ASSIGNMENTS

House Republicans, on opening day, prohibited Members from serving on more than four subcommittees. This reform was intended to increase attendance at subcommittee meetings and allow Members to focus more attention on their limited subcommittee responsibilities. It is difficult to judge whether the rule has had its intended effect because 30 Republican members are violating that rule today, some serve on as many as six subcommittees. Not a single Democrat is violating the new rule. Something ought to be done about a rule so flagrantly violated.

COMMITTEE MARKUPS DURING THE FIVE-MINUTE RULE

On opening day, House Republicans voted to prohibit House committees from meeting when the House is considering and voting on amendments under the five-minute rule. They argue that Members should not be asked to choose between important votes on the House floor and important votes in their Committees. The new rule has proven inconvenient and it has been waived for almost every single legislative day since it was adopted. Something ought to be done about a rule so consistently waived.

JOE MOAKLEY.
MARTIN FROST.
TONY BEILENSON.
TONY P. HALL.

